

**Assembly Bill No. 1673**

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Passed the Assembly    September 12, 2001

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*Chief Clerk of the Assembly*

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Passed the Senate    September 12, 2001

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2001, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to amend Sections 1053, 2859, 2861, 5521.5, 6430, 6453, 6455, 7149.4, 7149.45, 7361, 7362, 7363, 7852.3, 7860, 7881, 8053, 8405.4, 8552.6, 8601.5, 9001.5, 9001.6, 12002.8, and 12006.6 of, to amend and repeal Section 7149 of, to add Sections 1050.6 and 9001.8 to, and to repeal Section 1000.5 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1673, Committee on Water, Parks and Wildlife. Fish: wildlife: marine life master plan: abalone: triploid grass carp: striped bass: salmon: landing fees: sea cucumbers: sablefish: permits.

(1) Existing law requires the Department of Fish and Game to prepare and submit periodic reports to the Governor and the Legislature on the status of selected freshwater fisheries and the status of selected ocean fisheries.

This bill would repeal that requirement.

(1.5) Existing law authorizes the department to exchange or release to any appropriate federal, state, or local agency or agencies in other states, for purposes of law enforcement, any information collected or maintained by the department under specified law.

This bill, with specified exceptions, would designate as confidential and not public records, the names and addresses contained in records submitted and retained by the department for the purpose of obtaining recreational fishing and hunting licenses.

(2) Existing law prohibits any person from obtaining more than one fishing license, permit, reservation, or entitlement of the same class, except under specified conditions.

This bill would additionally exempt certain licenses issued through the Automated License Data System.

(3) Existing law requires the department to submit to the Fish and Game Commission a draft of a master plan under the Marine Life Protection Act on or before January 1, 2002, a proposed final master plan on or before April 1, 2002, and a final master plan on or before July 1, 2002.



This bill would require the department to submit to the commission a draft of a master plan under the Marine Life Protection Act on or before January 1, 2003, a proposed final master plan on or before April 1, 2003, and a final master plan with regulations on or before December 1, 2003.

(4) Existing law requires the commission, annually, until the master plan is adopted, and thereafter at least every 3 years, to receive, consider, and promptly act upon petitions from the department or any other interested party, to add, delete, or modify marine protected areas.

This bill would delete the requirement that the commission promptly act upon a petition from the department.

(5) Existing law prohibits any person from taking abalone for commercial purposes in specified districts. Existing law establishes a rebuttable presumption, affecting the burden of producing evidence, that a person who is required to obtain a license to take a fish, reptile, or amphibia, and who takes or possesses more than 12 individual abalone possess the abalone for commercial purposes.

This bill would additionally establish that rebuttable presumption if a person who is required to obtain a license takes abalone in excess of the annual bag limit.

(6) Existing law, until January 1, 2002, provides for the issuance of a sport fishing license, to a resident or nonresident, over the age of 16 years, for 2 consecutive designated days, upon the payment of a base fee. On and after January 1, 2002, existing law authorizes a license for one designated day.

This bill would extend the operative date of the current law authorizing a license for 2 consecutive days and repeal the section that would become operative on January 1, 2002, authorizing a license for one designated day.

(7) Existing law authorizes the department to adopt regulations that provide for the control of aquatic plant pests using artificially introduced triploid grass carp under a permit issued by the department and requires the department to impose conditions in the permit, including issuing a permit only for the Counties of Imperial, Riverside, and San Bernardino.

This bill would delete the limitation authorizing the department to issue those permits for the use of triploid grass carp for aquatic plant pest control only for those 3 counties.



(8) Existing law requires the department to report to the Legislature annually a summary of the use of triploid grass carp use for aquatic plant pest control compiled from information submitted to the department from permittees.

This bill would delete that provision.

(8.5) Existing law establishes a procedure for a person holding a valid sport fishing license to obtain a second-rod sport fishing stamp from the department.

This bill would authorize any person who has a valid second-rod sport fishing license stamp attached to a valid sport fishing license to fish with 2 rods in the Colorado River district in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(9) Existing law requires fees received by the department for a striped bass stamp to be deposited in a separate account in the Fish and Game Preservation Fund, to be used solely to produce striped bass, increase the number of striped bass, and to help restore aquatic habitat for striped bass, and to fund any other recommendation made by the Striped Bass Stamp Fund Advisory Committee, except that 15% of the funds are required to be used for projects that benefit salmon.

This bill would require the department to spend the funds in that account solely to increase the abundance of striped bass, consistent with state and federal Endangered Species Act requirements, and consistent with the striped bass policy goals established by the commission, and to fund any other recommendations made by the advisory committee. The bill would delete the requirement that 15% of the funds be used for projects that benefit salmon.

(10) Existing law requires the Director of Fish and Game to appoint the advisory committee. Existing law requires the advisory committee to annually recommend to the department projects and budgets for the expenditure of revenue.

This bill would require the department to notify the committee prior to placing funding provisions in the budget.

(11) Existing law, until January 1, 2002, requires a person taking striped bass to have a striped bass stamp affixed to his or her sport fishing license. Under existing law, the stamp is issued by the department for a fee of \$3.50. The revenue from the fees is required to be used for specified purposes relating to striped bass, as recommended by the advisory committee appointed by the



director. Existing law requires that the revenues from the stamp fees be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund used to carry out the Fish and Game Code.

This bill would extend those provisions until January 1, 2004. Since a violation of these provisions would be a misdemeanor under existing law, the bill would impose a state-mandated local program by extending a crime that otherwise would be repealed.

(12) Existing law requires the department to issue a commercial fishing salmon stamp to a person who is 16 years of age or more but less than 18 years of age for  $\frac{1}{2}$  of a specified fee.

This bill would delete that provision.

(13) Existing law generally prohibits anyone who is between 16 and 70 years of age from taking salmon for commercial purposes or being on board a vessel on which salmon are taken for commercial purposes while salmon are being taken or transported unless that person has a commercial fishing stamp affixed to his or her commercial fishing license. Existing law also prohibits the operator of a vessel on which salmon are taken for commercial purposes from permitting those persons on board while salmon are being taken or transported.

This bill would apply those prohibitions, instead, to persons between 18 and 70 years of age.

(14) Under existing law, no person may take, possess aboard a boat, or land sea cucumbers for commercial purposes except under a sea cucumber permit. That existing law provides for the department to issue and renew sea cucumber permits for specified fees. This existing law will become inoperative on April 1, 2002, and will be repealed on January 1, 2003.

This bill would continue the operation of that law until April 1, 2005, and would repeal it on January 1, 2006.

Other provisions of existing law make a violation of the laws relating to taking, possessing, and landing sea cucumbers for commercial purposes a crime.

This bill would impose a state-mandated local program by extending the period for the operation of that law.

(15) Existing law requires every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this state, or who brings fish into this state, or who, for profit, permits persons to fish therefrom, to submit an application



for commercial boat registration and to be issued a registration number upon payment of specified fees.

This bill would specify that the above provisions do not apply to any person required to be licensed as a guide.

(16) Existing law requires landing taxes to be paid monthly to the department within 60 days after the close of each month.

This bill would require landing taxes to be paid quarterly to the department within 30 days of the close of each quarter.

(17) Existing law prohibits finfish, other than hagfish, from being taken with traps for commercial purposes in ocean waters between Port Arguello and the United States-Mexico international boundary, except under a valid finfish trap permit issued to that person that has not been suspended or revoked.

This bill would exempt sablefish from that prohibition. The bill would impose conditions on general traps used to take sablefish for commercial purposes in that area. Since a violation of these conditions would be a misdemeanor under existing law, the bill would impose a state-mandated local program by extending a crime that otherwise would be repealed.

(18) Under existing law, finfish trap permits are issued to persons who meet certain requirements, including the requirement that the person landed at least 50 pounds of finfish, other than hagfish, taken in finfish traps as reported on one or more fish landing receipts during the immediately preceding permit year.

This bill would additionally exclude sablefish from qualifying for that 50-pound requirement.

(19) Existing law, until April 1, 2002, authorizes finfish to be taken with finfish traps subject to prescribed conditions.

This bill would make that provision inoperative on April 1, 2005, and would repeal it on January 1, 2006. Since a violation of this provision would be a misdemeanor under existing law, the bill would impose a state-mandated local program by extending a crime that otherwise would be repealed.

(20) This bill would make various technical, nonsubstantive changes. The bill would designate the department offices in Belmont and Los Alamitos, among others, instead of Menlo Park and Long Beach, among others, as the contact office for when a person is unable to recover a set net.

(21) Existing law requires a court to order the department to permanently revoke and the department to permanently revoke the



commercial fishing license and any commercial fishing permits of any person convicted of either removing abalone from the shell or possessing abalone illegally removed from the shell or taking or possessing abalone that are less than the minimum size if the person possessed more than 24 abalone at the time of the offense.

This bill would change the above requirement to 12 abalone at the time of the offense. Since a violation of this provision would be a misdemeanor under existing law, the bill would impose a state-mandated local program by creating a new crime.

(22) Existing law imposes specified punishment if a person is convicted of a violation of specified law in an area closed to the taking of abalone for commercial purposes, and the person takes or possesses more than 12 abalone at one time or more than 100 abalone during a calendar year.

This bill would impose the punishment for a violation of specified law in an area closed to the taking of abalone for commercial purposes if the person takes or possesses more than 12 abalone at one time or takes abalone in excess of the annual bag limit.

(23) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department and the Fish and Game Commission to carry out the Fish and Game Code. Because this bill would extend existing duties imposed on the department and would extend the period of time in which fees would be deposited into the Fish and Game Preservation Fund, the bill would make an appropriation.

(24) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1000.5 of the Fish and Game Code is repealed.

SEC. 1.5. Section 1050.6 is added to the Fish and Game Code, to read:



1050.6. (a) Except as otherwise provided in this section, the names and addresses contained in records submitted and retained by the department for the purpose of obtaining recreational fishing and hunting licenses are confidential and are not public records.

(b) Notwithstanding any other provision of law, the department may release the confidential information described in subdivision (a) under the following circumstances:

(1) To an agent or authorized family member of the person to whom the information pertains.

(2) To an officer or employee of another governmental agency when necessary for the performance of his or her official duties.

(3) In accordance with Section 391.

(4) Pursuant to a court order.

SEC. 2. Section 1053 of the Fish and Game Code, as added by Chapter 112 of the Statutes of 2001, is amended to read:

1053. No person shall obtain more than one license, permit, reservation, or other entitlement of the same class, or more than the number of tags authorized by statute or regulation for the same license year, except under one of the following conditions:

(a) Licenses issued pursuant to paragraphs (3) and (4) of subdivision (a) of Section 7149 and subdivision (c) of Section 7149, paragraphs (3) and (4) of subdivision (a) of Section 7149.05 and subdivision (c) of Section 7149.05, and paragraphs (4) and (5) of subdivision (a) of Section 3031.

(b) The loss or destruction of an unexpired license, tag, permit, reservation, or other entitlement as certified by the applicant's signed affidavit and proof, as determined by the department, that the original license, tag, permit, reservation, or other entitlement was issued, and payment of a base fee of five dollars (\$5), adjusted pursuant to Section 713, not to exceed the fee for the original entitlement.

(c) The adjustment of the base fee pursuant to Section 713 applies to the hunting license years commencing on or after July 1, 1996, and the fishing license years commencing on or after January 1, 1996.

SEC. 3. Section 2859 of the Fish and Game Code is amended to read:

2859. (a) On or before January 1, 2003, the department shall submit to the commission a draft of the master plan prepared pursuant to this chapter.





(b) On or before April 1, 2003, after public review, not less than three public meetings, and appropriate modifications of the draft plan, the department shall submit a proposed final master plan to the commission. On or before December 1, 2003, the commission shall adopt a final master plan and a Marine Life Protection Program with regulations based on the plan and shall implement the program, to the extent funds are available. The commission's adoption of the plan and a program based on the plan shall not trigger an additional review under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) The commission shall hold at least two public hearings on the master plan and the Marine Life Protection Program prior to adopting the plan and program. The commission may adopt the plan and the program immediately following the second public hearing or at any duly noticed subsequent meeting.

(d) Upon the commission's adoption of the program, the commission shall submit the master plan and program description, including marine life reserve and other MPA designations, to the Joint Committee on Fisheries and Aquaculture for review and comment. Upon receipt of the plan, the joint committee shall have 60 days to review the plan and to submit written recommendations to the commission regarding the plan and program. The joint committee shall only submit a recommendation to the commission if a majority of the members agree to that recommendation. The commission shall consider all recommendations submitted by the joint committee, and may amend the program to incorporate the recommendations. If the commission does not incorporate any recommendations submitted by the joint committee, the commission shall set forth, in writing, its reasons for not incorporating that recommendation.

SEC. 4. Section 2861 of the Fish and Game Code is amended to read:

2861. (a) The commission shall, annually until the master plan is adopted and thereafter at least every three years, receive, consider, and promptly act upon petitions from any interested party, to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines of this chapter.

(b) Prior to the adoption of a new MPA or the modification of an existing MPA that would make inoperative a statute, the



commission shall provide a copy of the proposed MPA to the Legislature for review by the Joint Committee on Fisheries and Aquaculture or, if there is no such committee, to the appropriate policy committee in each house of the Legislature.

(c) Nothing in this chapter restricts any existing authority of the department or the commission to make changes to improve the management or design of existing MPAs or designate new MPAs prior to the completion of the master plan. The commission may abbreviate the master plan process to account for equivalent activities that have taken place before enactment of this chapter, providing that those activities are consistent with this chapter.

SEC. 5. Section 5521.5 of the Fish and Game Code is amended to read:

5521.5. (a) In addition to the moratorium imposed by Section 5521, and notwithstanding any other provision of law, it is unlawful to take abalone for commercial purposes in District 6, 7, 16, 17, or 19A, in District 10 north of Point Lobos, or in District 20 between Southeast Rock and the extreme westerly end of Santa Catalina Island.

(b) There shall be a rebuttable presumption, affecting the burden of producing evidence, that a person who is required to obtain a license pursuant to Section 7145 and who takes or possesses more than 12 individual abalone or takes abalone in excess of the annual bag limit possesses the abalone for commercial purposes.

SEC. 6. Section 6430 of the Fish and Game Code is amended to read:

6430. The Legislature finds and hereby declares that the state's sport and commercial fisheries are resources of great economic and recreational importance. These resources are threatened by the introduction of aquatic organisms from foreign ports brought in by means of the ballast water of freighters and tankers. Several planktonic and benthic organisms, at least one of which is associated with the decline of an important striped bass food organism in the Sacramento-San Joaquin Estuary, have been introduced into the waters of the state with negative consequences. The introduction of eastern cordgrass into Humboldt Bay and many estuaries along the Pacific Coast has created a variety of problems. The introduction of harmful, nonindigenous organisms is occurring in other estuarine and coastal areas all along the West



Coast, and has already taken place in other regions of the United States, such as the Great Lakes, with consequent harm to fisheries and ecosystems. Furthermore, ballast water may contain viruses and bacteria, and has, therefore, been recognized by the International Maritime Organization as a possible method of introducing diseases harmful to indigenous human, animal, and plant life. The Legislature therefore declares that the people of the state have a primary interest in the regulation of the dumping of ballast water originating in foreign ports in any river, estuary, bay, or coastal area of this state.

SEC. 7. Section 6453 of the Fish and Game Code is amended to read:

6453. (a) On or before March 1 of each year following the first year after triploid grass carp introduction, the permittee shall provide to the department all of the information required by the department, including, but not limited to, the following:

(1) The number and size of triploid grass carp recommended for the waterway stocked.

(2) The number and size of triploid grass carp stocked in the waterway.

(3) The acres of aquatic plants, by species, at the peak of the growing season in the year prior to introduction of triploid grass carp in the waterway stocked.

(4) The acres of aquatic plants, by species, at the peak of the current year growing season.

(b) The annual report shall be submitted until five years after the use of triploid grass carp to control aquatic plant pests is terminated, unless evidence acceptable to the department is provided that all triploid grass carp have been removed from the waterway.

SEC. 7.5. Section 6455 of the Fish and Game Code is amended to read:

6455. The department shall impose conditions in the permit to use triploid grass carp under this article that it finds necessary to prevent escape of the triploid grass carp from the targeted area. The conditions shall include, but are not limited to, the following:

(a) No permit shall be issued for the use of triploid grass carp in waters with an open fresh water connection to other waters of the state.



(b) Any waters in which triploid grass carp are used under this article shall be under the control of the permittee. In addition, barriers to fish movement acceptable to the department shall be in place before introduction of triploid grass carp under this article. Movement of triploid grass carp to areas outside the control of the permittee is prohibited.

(c) Any waters in which triploid grass carp are used under this article shall have sufficient dissolved oxygen and suitable vegetation for consumption to sustain the introduced triploid grass carp, as determined by the department.

(d) Except within closed basins, including the Salton Sea, no permit shall be issued for the use of triploid grass carp within the 100-year flood plain.

(e) Any person or persons engaging in the introduction of triploid grass carp into any area, or in the transfer of triploid grass carp from one site to another, without a permit from the department shall be punished by a fine of not more than five thousand dollars (\$5,000), by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

SEC. 8. Section 7149 of the Fish and Game Code, as amended by Section 37 of Chapter 112 of the Statutes of 2001 is amended to read:

7149. (a) A sport fishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.



(4) A resident or nonresident, over the age of 16 years, for two consecutive designated calendar days, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one two-day license issued for different two-day periods may be issued to, or possessed by, a person at one time.

(b) A sport ocean fishing license granting the licensee to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of a calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean finfishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sport fishing license stamps shall be issued by authorized license agents in the same manner as sport fishing licenses, and no compensation may be paid to the authorized license agent for issuing the stamps except as provided in Section 1055.

(f) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 9. Section 7149 of the Fish and Game Code, as amended by Section 38 of Chapter 112 of the Statutes of 2001, is repealed.

SEC. 10. Section 7149.4 of the Fish and Game Code, as amended by Chapter 112 of the Statutes of 2001, is amended to read:

7149.4. (a) It is unlawful for any person to fish with two rods without first obtaining a second-rod sport fishing stamp, in addition to a valid California sport fishing license and any applicable stamp issued pursuant to subdivision (a) of Section



7149, and having that stamp affixed to his or her valid sport fishing license. Any person who has a valid second-rod sport fishing stamp affixed to his or her valid sport fishing license may fish with two rods in inland lakes and reservoirs in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(b) In the Colorado River District, any person who has a valid second-rod sport fishing stamp attached to his or her valid sport fishing license issued pursuant to subdivision (a) of Section 7149 may fish with two rods in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(c) The department or an authorized license agent shall issue a second-rod sport fishing stamp upon payment of a base fee of seven dollars and fifty cents (\$7.50) during the 1995 calendar year and subsequent years, as adjusted under Section 713.

(d) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 11. Section 7149.45 of the Fish and Game Code, as added by Chapter 112 of the Statutes of 2001, is amended to read:

7149.45. (a) It is unlawful for any person to fish with two rods without first obtaining a second-rod sport fishing validation, in addition to a valid California sport fishing license and any applicable validation issued pursuant to subdivision (a) of Section 7149.05, and having that validation affixed to his or her valid sport fishing license. Any person who has a valid second-rod sport fishing validation affixed to his or her valid sport fishing license may fish with two rods in inland lakes and reservoirs in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(b) In the Colorado River District, any person who has a valid second-rod sport fishing license validation affixed to his or her valid sport fishing license issued pursuant to subdivision (a) of Section 7149.05 may fish with two rods in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(c) The department or an authorized license agent shall issue a second-rod sport fishing validation upon payment of a base fee of seven dollars and fifty cents (\$7.50) during the 1995 calendar year and subsequent years, as adjusted under Section 713.



(d) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 12. Section 7361 of the Fish and Game Code is amended to read:

7361. Fees received by the department pursuant to Sections 7360 and 7360.1 shall be deposited in a separate account in the Fish and Game Preservation Fund. The department shall expend the funds in that account solely to increase the abundance of striped bass consistent with state and federal Endangered Species Act requirements, by producing striped bass and restoring their aquatic habitat, with the goal of restoring a self-sustaining, naturally reproducing Bay-Delta striped bass population, consistent with the striped bass policy goals established by the commission; and to fund any other recommendations made by the Striped Bass Stamp Fund Advisory Committee appointed pursuant to Section 7362. Funds received pursuant to Sections 7360 and 7360.1 may not be used for striped bass production and restoration in lieu of annual funding from the sale of fishing licenses, from the Federal Aid in Sport Fish Restoration Act (16 U.S.C. Secs. 777 to 777l, inclusive) revenues, or from an appropriation by any statute in existence on January 1, 1998.

SEC. 13. Section 7362 of the Fish and Game Code is amended to read:

7362. (a) The director shall appoint a Striped Bass Stamp Fund Advisory Committee, consisting of nine members. The members of the committee shall be selected from names of persons submitted by striped bass anglers and associations representing striped bass anglers of this state and shall serve at the discretion of the director. The director shall appoint persons to the committee who possess experience in subjects with specific value to the committee and shall attempt to balance the perspective of different groups of persons.

(b) The advisory committee shall annually recommend to the department projects and budgets for the expenditure of revenue received pursuant to Sections 7360 and 7360.1. The department shall give full and complete consideration to the committee's recommendations. In submitting recommendations for the Governor's Budget, the department may recommend programs for funding that are not contained in the committee's





recommendation, except that all revenue raised pursuant to Sections 7360 and 7360.1 shall be spent in accordance with Section 7361. The department shall notify the committee prior to placing funding provisions in the budget. The department shall submit to the committee an annual accounting of funds derived from striped bass stamps, including the number of stamps sold, funds generated and expended, and a status report of programs funded pursuant to this article.

SEC. 14. Section 7363 of the Fish and Game Code is amended to read:

7363. This article shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2004, deletes or extends that date.

SEC. 15. Section 7852.3 of the Fish and Game Code is amended to read:

7852.3. (a) The department shall issue a commercial fishing license to a person who is 16 years of age or more but less than 18 years of age and who is actively assisting in fishing activities for a fee of thirty-five dollars (\$35).

(b) Nothing in this section affects other provisions of law relating to employment of minors.

SEC. 16. Section 7860 of the Fish and Game Code is amended to read:

7860. (a) Except as provided in subdivision (f) or (g), no person who is 18 years of age or more and less than 70 years of age, on or before April 1 of the current license year, shall take salmon for commercial purposes or be on board a vessel on which salmon are taken for commercial purposes while salmon are being taken or transported unless that person has a commercial fishing salmon stamp issued pursuant to this section affixed to his or her commercial fishing license.

(b) Except as provided in subdivision (f) or (g), the operator of a vessel on which salmon are taken for commercial purposes shall not permit a person on board that vessel while salmon are being taken or transported unless that person was less than 18 years of age or 70 years of age or more on April 1 of the current license year or that person has a commercial fishing salmon stamp affixed to the person's commercial fishing license.

(c) Except as provided in subdivision (b) of Section 7852.3 and this subdivision, the department shall issue a commercial fishing





salmon stamp upon application therefor and payment of the fee of eighty-five dollars (\$85). For any commercial salmon season preceded by a commercial salmon season in which the commercial troll salmon landings in this state equal or exceed 3,000,000 pounds dressed weight, as determined by the department, the fee shall be increased by twelve dollars and fifty cents (\$12.50) for every 250,000 pounds over 3,000,000 pounds of dressed weight landings, except that the total fees as adjusted shall not exceed two hundred sixty dollars (\$260).

(d) A commercial fishing salmon stamp is valid during the commercial salmon season of the year in which it was issued.

(e) Notwithstanding Section 1053, upon application and payment of an additional fee equal to that prescribed in subdivision (c), the department may issue an additional commercial fishing salmon stamp for a crewmember to the owner or operator of a vessel who holds a commercial fishing salmon stamp.

(f) Notwithstanding subdivision (a), one crewmember of a vessel for which a commercial fishing salmon stamp is issued pursuant to subdivision (e) may be aboard that vessel and take salmon for commercial purposes as a crewmember on that vessel without obtaining a commercial fishing salmon stamp under the following conditions:

(1) The crewmember is designated by name and commercial fishing license number on a form furnished by the department before salmon are taken on the vessel when that crewmember is aboard.

(2) The crewmember has a valid commercial fishing license issued under Section 7850.

(3) The commercial fishing salmon stamp for the crewmember is affixed to the form prescribed in paragraph (1) on which the vessel registration number of the vessel is entered and on which the crewmember who is exempted by this subdivision is designated by the last entered name and commercial fishing license number.

(g) Persons who are exempt from the license requirements, or who are not required to be licensed, pursuant to Section 7850, are exempt from the requirements of this section.

SEC. 17. Section 7881 of the Fish and Game Code is amended to read:

7881. (a) Every person who owns or operates a vessel in public waters in connection with fishing operations for profit in



this state, or who brings fish into this state, or who, for profit, permits persons to fish therefrom, shall submit an application for commercial boat registration on forms provided by the department and shall be issued a registration number.

(b) Upon payment of a fee of two hundred dollars (\$200) by the resident owner or operator of the vessel, the department shall issue a commercial boat registration. The commercial boat registration shall be carried aboard the vessel at all times and posted in a conspicuous place.

(c) Upon payment of a fee of four hundred dollars (\$400) by the nonresident owner or operator of the vessel, the department shall issue a commercial boat registration. The commercial boat registration shall be carried aboard the vessel at all times and posted in a conspicuous place.

(d) If a registered vessel is lost, destroyed, or sold, the owner of the vessel shall immediately report the loss, destruction, or sale to the department.

(e) This section does not apply to any person required to be licensed as a guide pursuant to Section 2536.

SEC. 18. Section 8053 of the Fish and Game Code is amended to read:

8053. Landing taxes imposed by this article shall be paid quarterly to the department within 30 days after the close of each quarter.

If any landing tax is not paid within 30 days after the close of the quarter for which it is due, the department shall collect amounts owing under the procedures prescribed for sales and use taxes provided in Chapter 5 (commencing with Section 6451) and Chapter 6 (commencing with Section 6701) of Part 1 of Division 2 of the Revenue and Taxation Code, insofar as they may be applicable, and for those purposes, “board” means the department and “the date on which the tax became due and payable” means that date 30 days after the close of the quarter for which it is due.

SEC. 19. Section 8405.4 of the Fish and Game Code is amended to read:

8405.4. This article shall become inoperative on April 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute that is enacted before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.



SEC. 20. Section 8552.6 of the Fish and Game Code is amended to read:

8552.6. (a) Notwithstanding Section 8552, a herring permit may be issued to two individuals if one of the following criteria is met:

(1) The individuals are married to each other and file with the department a certified copy of their certificate of marriage and a declaration under penalty of perjury, or a court order, stating that the permit is community property.

(2) The individuals meet both of the following requirements:

(A) They are both engaged in the herring roe fishery either by fishing aboard the vessel or by personally participating in the management, administration, and operation of the partnership's herring fishing business.

(B) There is a partnership constituting equal, 50 percent, ownership in a herring fishery operation, including a vessel or equipment, and that partnership is demonstrated by any two of the following:

(i) A copy of a federal partnership tax return.

(ii) A written partnership agreement.

(iii) Joint ownership of a fishing vessel used in the herring fishery as demonstrated on federal vessel license documents.

(b) For purposes of this section, a herring permit does not constitute a herring fishing operation. A herring permit may be transferred to one of the partners to be held thereafter in that partner's name only if that partner has not less than 10 points computed pursuant to paragraph (2) of subdivision (a) of Section 8552.8 and there has been a death or retirement of the other partner, a dissolution of partnership, or the partnership is dissolved by a dissolution of marriage or decree of legal separation. A transfer under this section shall be authorized only if proof that the partnership has existed for three or more consecutive years is furnished to the department or a certified copy of a certificate of marriage is on file with the department and the permit is community property as provided in subdivision (a). The transferor of a permit shall not, by reason of the transfer, become ineligible to participate further in the herring fishery or to purchase another permit.

(c) Notwithstanding subdivision (b), in the event of the death of one of the partners holding a herring permit pursuant to this



section, where the partnership existed for longer than six months but less than three years and the surviving partner does not have the minimum points pursuant to subdivision (b) to qualify for a permit transfer, the permit may be transferred on an interim basis for a period of not more than 10 years to the surviving partner if an application is submitted to the department within one year of the deceased partner's death and the surviving partner participates in the fishery for the purpose of achieving the minimum number of points to be eligible for a permit transfer pursuant to Section 8552.2. The interim permit shall enable the surviving partner to participate in the herring fishery. At the end of the interim permit period, the surviving partner, upon application to the department, may be issued the permit if he or she has participated in the fishery and gained the minimum number of experience points for a permit.

SEC. 21. Section 8601.5 of the Fish and Game Code is amended to read:

8601.5. (a) Set nets and set lines shall be marked at both ends with buoys displaying above their waterlines, in numerals at least 2 inches high, the fisherman's identification number.

(b) Each piece or panel of a set net shall be marked along the corkline of the net, in a manner determined by the department to adequately identify the net, with the fisherman's identification number. The distance between the markings shall not exceed 45 fathoms. If the lost or abandoned net is recovered by the department or persons designated by the department, the commission may require the owner of the lost or abandoned net to pay for all recovery costs. The commission may revoke the owner's set net permit issued pursuant to Section 8681 for failure to comply with this subdivision.

(c) If a person is unable to recover a set net or portion of a set net, the person shall contact one of the department offices located in the City of Belmont, Monterey, Los Alamitos, or San Diego, not later than 72 hours after returning to port following the loss and shall report all of the following information:

- (1) The date and time when the set net was lost.
- (2) The location, including depth, where the net was lost.
- (3) A description of the lost net, including the mesh size, length, height, and target species, and whether anchors remain attached to the net.



(4) The name and fisherman's identification number of the person owning the net.

(5) The name and fisherman's identification number of the person fishing with the net, if different from paragraph (4).

(6) The name and California Fish and Game number of the vessel from which the lost net was being fished.

SEC. 22. Section 9001.5 of the Fish and Game Code is amended to read:

9001.5. (a) Finfish, other than sablefish and hagfish, shall not be taken with traps for commercial purposes in ocean waters between a line extending due west true from Point Arguello in Santa Barbara County and the United States-Mexico international boundary line except under a valid finfish trap permit issued to the person that has not been suspended or revoked. At least one person aboard each commercial fishing vessel shall have a valid finfish trap permit. Notwithstanding Section 9001, a finfish trap permit holder is not required to obtain or possess a valid general trap permit when taking finfish with traps. Any person who assists in the taking of finfish with traps shall have either a finfish trap permit or a valid general trap permit.

(b) A finfish trap permit shall only be issued to a person who held a finfish trap permit to take finfish during the immediately preceding permit year that has not been suspended or revoked and who landed at least 50 pounds of finfish, other than hagfish or sablefish, taken in finfish traps as reported on one or more fish landing receipts during the immediately preceding permit year. Applications for renewal of a finfish trap permit shall be received by the department, or, if mailed, postmarked, by May 31 of each year.

SEC. 23. Section 9001.6 of the Fish and Game Code is amended to read:

9001.6. (a) A finfish trap permit issued pursuant to Section 9001.5 authorizes finfish to be taken with finfish traps only subject to the following limitations:

(1) No lobster may be possessed aboard or landed from any vessel for commercial purposes on which finfish are also present unless at least one person on board has a valid finfish trap permit issued to that person pursuant to Section 9001.5 that has not been suspended or revoked and every person on board has a valid lobster permit issued pursuant to Section 8254 that has not been suspended



or revoked and is in compliance with this article and Article 5 (commencing with Section 8250) of Chapter 2 and the regulations adopted pursuant to these articles. Lobster may not be used as bait in finfish traps, and any lobster found in finfish traps that may not be possessed pursuant to this article or Article 5 (commencing with Section 8250) of Chapter 2 shall be returned to the water immediately.

(2) During the period from one hour after sunset to one hour before sunrise finfish traps that are left in the water shall be unbaited with the door secured open. However, if, for reasons beyond the control of the permittee, all trap doors cannot be secured open prior to one hour after sunset, the permittee shall immediately notify the department.

(3) Timed buoy release mechanisms commonly termed “popups” may not be used on buoy lines attached to finfish traps.

(4) Trap destruction devices used on finfish traps shall conform to the current requirements for those devices adopted by the commission.

(5) No finfish traps may be within 750 feet of any pier, breakwall, or jetty in District 19, 19A, 19B, 20, 20A, 20B, or 21.

(6) Not more than 50 finfish traps may be used in state waters along the mainland shore.

(7) The mesh of any finfish trap shall measure two inches by two inches.

(b) The fee for the finfish trap permit issued pursuant to Section 9001.5 is one hundred ten dollars (\$110).

(c) Under a general trap permit issued pursuant to Section 9001, Korean traps, defined as molded plastic cylinders not exceeding 6 inches in diameter and 24 inches in length, or “bucket traps” constructed of plastic buckets of five gallons or less in capacity, may be used to take only hagfish for commercial purposes. The number of traps that may be possessed on board a vessel and in the water for the purposes of taking hagfish shall not exceed 500 Korean traps or 200 bucket traps. No permittee may possess both Korean traps and other types of traps aboard a vessel at the same time. When Korean traps or bucket traps are being used or possessed aboard a boat, no species of finfish other than hagfish shall be taken, possessed aboard a boat, or sold for commercial purposes.



(d) This section shall become inoperative on April 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute that is enacted before January 1, 2006, deletes or extends that date.

SEC. 24. Section 9001.8 is added to the Fish and Game Code, to read:

9001.8. In ocean waters between a line extending due west true from Point Arguello in Santa Barbara County and the United States-Mexico international boundary line, the following apply:

(a) Under a general trap permit issued pursuant to Section 9001, a trap used to take sablefish for commercial purposes shall be six feet or less in its greatest dimension.

(b) The mesh of any trap used for sablefish pursuant to this section shall measure not less than two inches by two inches.

(c) The buoy identification number for a sablefish trap or string of traps used under a general trap permit issued pursuant to Section 9001 is the commercial fishing license number issued to the operator of the trap pursuant to Section 7852, followed by the letter "B."

(d) Under a general trap permit issued pursuant to Section 9001 and pursuant to this section, sablefish may be taken with traps only in waters 200 fathoms or greater in depth.

(e) No permittee may possess aboard a vessel at the same time, sablefish traps and any other commercial fishing gear, except that spot prawn traps may be possessed during spot prawn trap open fishing periods as established by the Fish and Game Commission and if the permittee has a valid spot prawn trap permit issued pursuant to regulations adopted by the commission.

SEC. 25. Section 12002.8 of the Fish and Game Code is amended to read:

12002.8. (a) The court shall order the department to permanently revoke and the department shall permanently revoke, the commercial fishing license and any commercial fishing permits of any person convicted of either of the following:

(1) Taking or possessing abalone out of season.

(2) Taking or possessing abalone taken illegally from any area north of Point Sur.

(b) The court shall order the department to permanently revoke and the department shall permanently revoke the commercial fishing license and any commercial fishing permits of any person





convicted of either of the following two offenses, if the person possessed more than 12 abalone at the time of the offense:

(1) Removing abalone from the shell or possessing abalone illegally removed from the shell.

(2) Taking or possessing abalone that are less than the minimum size.

(c) Any person sentenced pursuant to subdivision (a) or (b) shall not thereafter be eligible for any license or permit to take or possess fish for sport or commercial purposes.

(d) Notwithstanding Sections 12000, 12001, and 12002, the commercial fishing license of the master of a vessel may be revoked or suspended by the commission, when requested by the department, for a period not to exceed one year, upon the second conviction in three years of the master or the master's agent, servant, employee, or any other person acting under the master's direction or control, for a violation of any of the following provisions or regulations adopted pursuant thereto:

(1) Article 2 (commencing with Section 8150.5), Article 3 (commencing with Section 8180), Article 4 (commencing with Section 8210), Article 5 (commencing with Section 8250), Article 6 (commencing with Section 8275), Article 9 (commencing with Section 8370), Article 13 (commencing with Section 8495), and Article 15 (commencing with Section 8550) of Chapter 2 of Part 3 of Division 6.

(2) Article 1 (commencing with Section 8601), Article 2 (commencing with Section 8623), Article 4 (commencing with Section 8660), Article 5 (commencing with Section 8680), Article 6 (commencing with Section 8720), Article 7 (commencing with Section 8750), Article 8 (commencing with Section 8780), and Article 10 (commencing with Section 8830) of Chapter 3 of Part 3 of Division 6.

(3) Article 1 (commencing with Section 9000) of Chapter 4 of Part 3 of Division 6.

(e) A master's license shall not be revoked unless both the first and second convictions are for a violation by the master or a violation occurring when the person convicted was acting as the master's agent, servant, employee, or acting under the master's direction or control.

(f) The master of a vessel is the person on board the vessel who is in charge of the vessel.





SEC. 26. Section 12006.6 of the Fish and Game Code is amended to read:

12006.6. Notwithstanding Section 12000 or 12002.8, and in addition to Section 12009, and notwithstanding the type of fishing license or permit held, if any person is convicted of a violation of Section 5521 or 5521.5, and the offense occurs in an area closed to the taking of abalone for commercial purposes, and the person takes or possesses more than 12 abalone at one time or takes abalone in excess of the annual bag limit, that person shall be punished by all of the following:

(a) A fine of not less than fifteen thousand dollars (\$15,000) or more than forty thousand dollars (\$40,000).

(b) The court shall order the department to permanently revoke, and the department shall permanently revoke, the commercial fishing license and any commercial fishing permits of that person. The person punished under this subdivision shall not, thereafter, be eligible for any license or permit to take or possess fish for sport or commercial purposes, including, but not limited to, a commercial fishing license or a sport fishing or sport ocean fishing license. Notwithstanding any other provision of law, the commercial license or permit of a person arrested for a violation punishable under this section may not be sold, transferred, loaned, leased, or used as security for any financial transaction until disposition of the charges is final.

(c) Any vessel, diving or other fishing gear or apparatus, or vehicle used in the commission of an offense punishable under this section shall be seized, and shall be ordered forfeited in the same manner prescribed for nets or traps used in violation of this code, as described in Article 3 (commencing with Section 8630) of Chapter 3 of Part 3 of Division 6, or in the manner prescribed in Section 12157.

(d) Not less than 50 percent of the revenue deposited in the Fish and Game Preservation Fund from fines and forfeitures collected pursuant to this section shall be allocated for the support of the Special Operations Unit of the Wildlife Protection Division of the department and used for law enforcement purposes.

SEC. 27. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime

or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved \_\_\_\_\_, 2001

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*Governor*

